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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/834,833

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EXAMINER

WOO, ISAAC M

ART UNIT

PAPER NUMBER

2166

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/834,833

Applicant(s)SATHYANARAYAN,
RAMAPRAKASH H.**Examiner**

ISAAC M. WOO

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-19, 29-34, 36, 38-39, 43 and, 45-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-19, 29-34, 36, 38, 39, 43, 45 and 48-54 is/are rejected.
- 7) ☒ Claim(s) 46-47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/14/2008 5/27/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 14, 2008 has been entered.

2. Claims 1, 19, 29-30, 32, 43 and 46 are amended. Claims 48-54 are new. Claims 2-3, 20-28, 35, 37, 40-42 and 44 are canceled. Claims 1, 4-19, 29-34, 36, 38-39, 43 and 45-54 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-19, 29-34, 36, 38-39, 43, 45 and 48-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Sherman et al (US Patent No. 6,505,214).

5. With respect to claims 1, 29, 43 and 49, Sherman teaches a parent process in said computer checking if a first item in said plurality is a file or a directory (fig. 5, col. 9, lines 4-27); the parent process in said computer copying the first item to at least one storage media if the first item is found during the checking to be a file and the parent process creating a child process in said computer if the first item is found during the checking to be a directory (i.e., 256-258, fig. 6, col. 9, lines 61-67 to col. 10, lines 1-38); if the first item is found during the checking to be a directory, the child process in said computer checking, if another item in the directory represented by the first item is a file or a directory (fig. 5, fig. 6, col. 9, lines 4-67 to col. 10, lines 1-38); and if the first item is found during the checking to be a file, the parent process in said computer checking if a second item in said plurality is a file or a directory; and wherein at least one item in said plurality of items is copied to said at least said one storage media (col. 2, lines 22-67, fig. 5, fig. 6, col. 9, lines 4-67 to col. 10, lines 1-38).

With respect to claim 4, Sherman teaches comparing a current number of processes, created for copying, with a limit; and waiting if the current number is greater than or equal to the limit (col. 2, lines 22-67, fig. 5, fig. 6, col. 9, lines 4-67 to col. 10, lines 1-38).

With respect to claim 5, Sherman teaches the parent process increasing a limit on a resource; and the child process using the resource at the increased limit during copying (col. 5, lines 10-67 to col. 6, lines 1-13).

With respect to claim 6, Sherman teaches the resource is number of open files (col. 5, lines 10-67 to col. 6, lines 1-13).

With respect to claim 7, Sherman teaches the resource is file size (col. 5, lines 10-67 to col. 6, lines 1-13).

With respect to claim 8, Sherman teaches the resource is memory (col. 5, lines 10-67 to col. 6, lines 1-13).

With respect to claim 9, Sherman teaches the memory is organized as a stack (col. 5, lines 10-67 to col. 6, lines 1-13).

With respect to claim 10, Sherman teaches the memory is organized as a heap (col. 5, lines 10-67 to col. 6, lines 1-13).

With respect to claim 11, Sherman teaches transferring data from the file into a temporary buffer; locking the temporary buffer; and invoking a direct memory access (DMA) process for making a copy from the temporary buffer(col. 5, lines 10-67 to col. 6, lines 1-13).

With respect to claims 12 and 50, Sherman teaches the parent process checking if the first item is a link to itself, and performing said copying only if the first item is not a link to itself (col. 5, lines 10-67 to col. 6, lines 1-13).

With respect to claim 13, Sherman teaches the checking includes a string comparison operation(col. 5, lines 10-67 to col. 6, lines 1-13).

With respect to claims 14 and 51, Sherman teaches the parent process sending an email message if a resource at a destination is full; wherein the email message is sent to an email address of a user that started the method (col. 5, lines 10-67 to col. 6, lines 1-13).

With respect to claim 15, Sherman teaches waiting to be restarted subsequent to sending the email message (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 16, Sherman teaches sending a signal to self to suspend execution (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 17, Sherman teaches recopying said file from beginning, on being restarted (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 18, Sherman teaches the email address is identified from a password file based on an identity of said user (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 19, Sherman teaches creating is performed only if said directory is not a current directory and not a parent directory (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 30, Sherman teaches sending an email message if the means for conditionally copying encounters an error directory (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 31, Sherman teaches increasing a limit on a resource to maximum directory (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 32, Sherman teaches using a temporary buffer; and using direct memory access directory (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 33, Sherman teaches checking if the item is a link to itself directory (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 34, Sherman teaches for each item in the directory (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 36, Sherman teaches the number of processes created corresponds to the number of directories to be copied directory (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 38, Sherman teaches checking if the file is in a list of items to be excluded from copying; and performing the copying only if the file is not in the list. directory (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 39, Sherman teaches the file is copied to multiple destinations if specified by the user directory (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 45, Sherman teaches the new process; and on return from the function, the current process waits for all new processes to finish (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 52, Sherman teaches to compare a current number of child processes against a limit (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 53, Sherman teaches creation of said child process to increase a limit on a resource (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

With respect to claim 54, Sherman teaches to check if an item in said plurality of items is in a list of items to be excluded from copying (col. 7, lines 24-67 to col. 8, lines 1-67 to col. 8, lines 1-65).

Allowable Subject Matter

6. Claims 46-47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC M. WOO whose telephone number is (571)272-4043. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Isaac M. Woo/
Primary Examiner, Art Unit 2166

